

**ORIGINAL**

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF  
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

05 631

United States District Court		District
Name (under which you were convicted): <b>JACK WILLIAM WOLF</b>		Docket or Case No.: <b>84005481DI</b>
Place of Confinement: <b>DELAWARE CORRECTIONAL CENTER</b>		Prisoner No.: <b>00093532</b>
Petitioner (include the name under which you were convicted) <b>JACK WILLIAM WOLF</b>		Respondent (authorized person having custody of petitioner) <b>THOMAS CARROLL</b>
The Attorney General of the State of <b>DELAWARE</b> : <b>JANE BRADY</b>		

## PETITION

AUG 29 2005

U.S. DISTRICT COURT  
DISTRICT OF DELAWARE

- (a) Name and location of court that entered the judgment of conviction you are challenging:  
**SUPERIOR COURT; New Castle County Courthouse**  
**500 North King St., Suite 10400, Wilmington, De. 19801-**  
(b) Criminal docket or case number (if you know): **VN8409078910** 3733
- (a) Date of the judgment of conviction (if you know): **5-24-1985**  
(b) Date of sentencing: **9-15-1984**
- Length of sentence: **25 YEARS, 12 YRS. IN Prison, 13 yrs Probation**
- In this case, were you convicted on more than one count or of more than one crime? Yes ☐ No ☒
- Identify all crimes of which you were convicted and sentenced in this case: **1 Count of 2nd degree Rape or Rape 2nd.**
- (a) What was your plea? (Check one)
 

(1) Not guilty <input checked="" type="checkbox"/>	(3) Nolo contendere (no contest) <input type="checkbox"/>
(2) Guilty <input type="checkbox"/>	(4) Insanity plea <input type="checkbox"/>

 (b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to?  
**Not guilty of Rape 2nd.**

(c) If you went to trial, what kind of trial did you have? (Check one)

Jury ☒ Judge only ☐

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes ☒ No ☐

8. Did you appeal from the judgment of conviction?

Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court: SUPREME COURT OF DELAWARE

(b) Docket or case number (if you know): #266,1985

(c) Result: DENIED

(d) Date of result (if you know): 6-13-1986

(e) Citation to the case (if you know): \_\_\_\_\_

(f) Grounds raised: INEFFECTIVE ASSISTANCE OF COUNSEL.

(g) Did you seek further review by a higher state court? Yes ☒ No ☐

If yes, answer the following:

(1) Name of court: U.S. DISTRICT COURT of Delaware.

(2) Docket or case number (if you know): + Supreme Court

(3) Result: DENIED

(4) Date of result (if you know): \_\_\_\_\_

(5) Citation to the case (if you know): \_\_\_\_\_

(6) Grounds raised: DNA TESTING AND A NEW TRIAL  
BLOOD TYPE SEMEN did NOT MATCH  
ME JACK W. WOLF.

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ☐ No ☒

If yes, answer the following:

(1) Docket or case number (if you know): \_\_\_\_\_

(2) Result: \_\_\_\_\_

(3) Date of result (if you know): \_\_\_\_\_

(4) Citation to the case (if you know): \_\_\_\_\_

10. Other than the direct appeals listed above, have you previously filed any other petitions, applications, or motions concerning this judgment of conviction in any state court?

Yes ☒ No ☐

11. If your answer to Question 10 was "Yes," give the following information:

(a) (1) Name of court: Superior Court, Delaware

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: Rule 61 + State Writ of Habeas Corpus

(5) Grounds raised: BLOOD TYPE semen found on 4 women's underware does not match me Jack W. Wolf. also time line does not add up to fact. I was not with this women at the time she says that she was raped. She was with the state police and Doctor between the hours of 5:30 to 6:30 in the evening of 9-13-1984. She says she was being raped from 5:30 to 6:30 in the evening of 9-13-1984. HER RAPE STORY WAS A LIE.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

- (b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: Superior Court, Wilmington, Delaware

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: Correction of Sentence + 2nd Rule 61

(5) Grounds raised: I have not been given credit for good time on the 12 1/2 years that I have served in Prison. I have earned over 3 years good time, that has not been given to me off this sentence.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(c) If you filed any third petition, application, or motion, give the same information:

(1) Name of court: 3rd Circuit Court, Phil. P.A.

(2) Docket or case number (if you know): \_\_\_\_\_

(3) Date of filing (if you know): \_\_\_\_\_

(4) Nature of the proceeding: \_\_\_\_\_

(5) Grounds raised: DNA Testing and a New Trial.  
also time line does not add up to fact.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☐ No ☒

(7) Result: \_\_\_\_\_

(8) Date of result (if you know): \_\_\_\_\_

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition: Yes ☒ No ☐

(2) Second petition: Yes ☒ No ☐

(3) Third petition: Yes ☒ No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not:

I was time barred on some of my motions  
+ appeals.



12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state-court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: I have not been given credit for good time on 12 1/2 years that I have served in prison.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

My sentence started 9-15-84, 12 years in Prison 13 years Probation. I served over 5 years in Garden Hill, 6 1/2 years in D.C. and 1 year in Georgetown Prison a total of 12 1/2 years. I also served 8 years on Parole and Probation. For the 12 1/2 years that I served in Prison I should have received 1392 days good time off of this sentence.

(b) If you did not exhaust your state remedies on Ground One, explain why:

yes, I have filed several times for a correction of sentence. The courts look at it as a sentence modification and deny me, saying that I am time barred.

(c) Direct Appeal of Ground One:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐ No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

The issue I'm raising is good time owed to me, 1392 days off of this sentence.

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: Rule 61 and State Habeas Corpus and Correction of Sentence  
Name and location of the court where the motion or petition was filed: Superior Court and Supreme.

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: June, 28, 2005

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Supreme Court  
P.O. BOX 476 Dover, De. 19903

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

The Courts Keep saying time-Barred.

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground One: I have

wrote 5 or more letter to the DCC Records Dept.  
on this matter.

GROUND TWO: I have filed 2 or 3 Correction of Sentence  
To Superior and Supreme Courts of Delaware.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I'm sending you a Docket sheet to support  
my claim. The Prison and the Courts will not  
send me a time line showing or stating the  
amount of time that I have served in Prison  
and on Probation and Parole. Every time I request  
this information, all they do is send me a copy  
of my Docket Sheet. It does not show the  
amount of time that I have served in Prison.

*on this 25 year sentence. I have served 21 years on this 25 year sentence. I have not been given credit for good time on 12 1/2 years in Prison.*

(b) If you did not exhaust your state remedies on Ground Two, explain why: \_\_\_\_\_

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: *they say my time barred. This issue did not exist at the time of direct appeal. This issue has developed*

(d) Post-Conviction Proceedings: *21 years after direct appeal.*

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: *Rule 61 and State Habeas Corpus*

Name and location of the court where the motion or petition was filed: *Superior Court and Supreme Court of Delaware.*

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: *same Courts*



Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

- (e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Two: I have

wrote the Records department 5 or more  
times asking them to correct my sentence,  
and to credit me the good time owed to me.

**GROUND THREE:** I have filed at least 3 motions for  
Correction of sentence in Superior Court of Del.

- (a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

I served at least 5 years in Laurel Hill Prison  
6 1/2 years in P.C. in Smyrna Del. and 1 year  
in Prison in Georgetown Prison. These 12 1/2  
accumulated good time have not been taken  
off my 25 year sentence. 1392 should be taken  
off my sentence.

- (b) If you did not exhaust your state remedies on Ground Three, explain why: every time

I file a motion for correction of sentence,  
the Courts say that I am Time-Barred.  
The Courts do not even investigate my claims.

- (c) **Direct Appeal of Ground Three:**

- (1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

- (2) If you did not raise this issue in your direct appeal, explain why: This motion keeps

asking the same questions over and over  
again. My answers are the same.



(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: I have already answered this question.  
Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☒ No ☐

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: This question has been answered

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(7) If your answer to Question (d)(4) or Question (d)(5) is "No," explain why you did not raise this issue: \_\_\_\_\_

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc.) that you have used to exhaust your state remedies on Ground Three: \_\_\_\_\_

This question has been answered.

GROUND FOUR:

*Take the 1392 days off my sentence that is owed to me and release me from this*

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim.):

*Prison. I've served 12 1/2 years and I've earned 1392 days good time.*

(b) If you did not exhaust your state remedies on Ground Four, explain why:

*I have already answered the rest of these questions.*

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: \_\_\_\_\_

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: \_\_\_\_\_

Name and location of the court where the motion or petition was filed: \_\_\_\_\_

Docket or case number (if you know): \_\_\_\_\_

Date of the court's decision: \_\_\_\_\_

Result (attach a copy of the court's opinion or order, if available): \_\_\_\_\_

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☒ No ☐